

SO ORDERED

Nov 09, 2015

Kathy A. Surraatt - States
KATHY A. SURRATT-STATES
Chief United States Bankruptcy Judge

IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI

IN RE: PAULINA A. SIGNORELLI,)
) No: 15-46309
Debtor.)

MOTION TO PROCEED WITH CLAIM IN STATE COURT

COMES NOW Creditor, Douglas Mueller, by and through counsel, and for his Motion to proceed with his claim against Debtor in State Court, states to the Court as follows:

1. Plaintiff filed a civil law suit against Debtor in the Circuit Court for the City of St. Louis on 7/2/13 alleging damages for destruction of assets and loss of prospective advantage arising from debtor's looting of corporate assets for Safety Support Services, Inc.
2. Debtor initially filed a Chapter 13 Bankruptcy Petition on 9/26/13 and an automatic stay as to the civil case went into effect.
3. Debtor's first bankruptcy was dismissed on 6/13/14.
4. Thereafter, debtor filed her second Chapter 13 bankruptcy petition on 10/31/14, and the automatic stay of 30 days went into effect on the underlying civil case; however, the second bankruptcy filing was dismissed as of 1/12/15.
5. The civil case remained pending, but debtor then filed her third bankruptcy petition under Chapter 7 on 8/21/15.
6. Pursuant to Bankruptcy Code §362 (c) (4), debtor is not entitled to the benefit of automatic stay provisions as she refiled her third bankruptcy petition within 12 months of her last bankruptcy dismissal.
7. There has been no order entered on this current bankruptcy case extending automatic stay provisions.

8. As such, credit Douglas Mueller should be allowed to proceed with his civil law suit in State Court.

9. Creditor Douglas Mueller is entitled to an Order confirming that no stay is in effect.

WHEREFORE, based on the foregoing, creditor Douglas Mueller, party in interest, respectfully requests this Court to enter an Order confirming that no stay is in effect, and for any further orders this court deems just and proper.

Respectfully submitted,

MARTIN, MALEC & LEOPOLD P.C.

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CERTIFICATE OF MAILING/ECF FILING

The undersigned certifies that the foregoing was filed on the 30th day of October, 2015, electronically with the Clerk of the Court to be served by operation of the Court's electronic filing system (ECF) upon the following:

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